

SITE PLAN WAIVER REQUEST REVIEW SHEET

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CASE: SP-2010-0131C

PLANNING COMMISSION DATE: September 28, 2010

PROJECT NAME: Jae Park Project

ADDRESS OF SITE: 4507 E Martin Luther King Blvd

COUNTY: Travis

AREA: .86 acres

WATERSHED: Tannehill and Fort Branch

APPLICANT:

Jae Park
10711 D K Ranch Rd
Austin, TX 78759

phone: 512-736-3317

ENGINEER:

Richard Wilson
Cedillos & Wilson, LLC
610 Brazos St, #107
Pflugerville, TX 78660

phone: 512-947-5537

EXISTING ZONING: GR-MU-CO-NP – Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan

NEIGHBORHOOD PLAN: East MLK Neighborhood Planning Area

APPLICABLE WATERSHED ORDINANCE: Comprehensive Ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not Required

PROPOSED DEVELOPMENT:

The applicant is proposing a 2-story mixed use building along E Martin Luther King Blvd containing both General Retail Sales (General) and Condominium Residential uses, as well as a Restaurant (Limited) drive-through building fronting Springdale Rd on a currently vacant lot zoned GR-MU-CO-NP. The site has 165 feet of frontage along E. Martin Luther King Blvd and 137 feet of frontage along Springdale Rd.

DESCRIPTION OF WAIVERS:

The applicant requests a waiver from the following Land Development Code Sections:

Section 25-2-1067(H) - All parking areas and driveways shall maintain a setback of 25 feet from property lines adjacent to an SF-5 or more restrictive use or district. The applicant is currently proposing a 5 foot setback line for an associated drive-through lane.

Section 25-2-1063(B)(2) - A person may not construct a structure 25 feet or less from property on which a use permitted in an SF-5 or more restrictive zoning district is located. The applicant is

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currently proposing a setback no less than 23 feet for a one-story building and a setback of 5 feet for the associated detention pond.

DEPARTMENT COMMENTS:

The subject site is currently vacant – sandwiched within a triangle-shaped lot surrounded by mixed commercial uses as well as residential uses. The site is located within the Desired Development Zone (DDZ) and the MLK Neighborhood Planning Area; the site also has access to both E. Martin Luther King Blvd and Springdale Rd. The site is located within the Tannehill and Fort Branch watersheds; both classified as Urban Watersheds. The current zoning of the site is GR-MU-CO-NP – Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan. GR is a zoning category designated for an office or commercial uses serving neighborhoods and community needs, including unified and individually developed shopping centers or commercial sites, such as service stations and restaurants, and is generally accessible from major traffic ways. The proposed uses (Restaurant (Limited), General Retail Sales (General) and Condominium Residential) are all allowed uses in a GR-MU zoned district.

The MLK Neighborhood Plan (Ordinance 021107-Z-12c) allowed this particular tract to be developed as a neighborhood mixed use building special use (see Part 7 of the plan). The Conditional Overlay associated with the zoning case (Ordinance 20080228-095) restricts the property from providing vehicular access from the property to Overhill Drive. This site plan does not show any access to Overhill Drive, nor do these lots have any access to the roadway.

To the north is E. Martin Luther King Jr. Blvd, and beyond is the Morris Williams Golf Course, zoned P-NP. The abutting lot to the east is a GR-NP zoned lot, currently being used as a Service Station, and beyond the lot is Springdale Rd. To the southwest are LO-MU-NP zoned lots, currently used as a mix of Single-Family Residential and Duplex Residential, and beyond is Overhill Dr. To the west is a GR-NP zoned corner lot. Currently at this location is a commercial strip center containing the following uses: Service Station, Restaurant and Personal Services.

The lots to the southwest, used as Single Family Residential and Duplex Residential, which are now triggering compliance with Compatibility Standards for the subject property were zoned as LO-MU-NP through the MLK Neighborhood Plan (Ordinance 021107-Z-12c). LO (Limited Office) zoning was considered appropriate for the area, which is the zoning category for office use predominately serving neighborhood or community needs, such as professional, semiprofessional and medical offices. Single Family Residential is an allowed use for these lots per the MU combining district.

LDC Section 25-2-1067(H)

The applicant requests a waiver from Land Development Code Section 25-2-1067(H) - All parking areas and driveways shall maintain a setback of 25 feet from property lines adjacent to an SF-5 or more restrictive use or district. The applicant is currently proposing a 5 foot setback line for an associated drive-through lane. Staff supports this waiver request as the affected property owner located at 1806 Springdale Rd has demonstrated support for the waiver request – see the attached letter for further information. The applicant is proposing to locate a 6 foot fence along the property line and add some landscaping to buffer any noise and light pollution.

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LDC Section 25-2-1063(B)(2)

The applicant requests a waiver from Land Development Code Section 25-2-1063(B)(2) - A person may not construct a structure 25 feet or less from property on which a use permitted in an SF-5 or more restrictive zoning district is located. The applicant is currently proposing a setback no less than 23 feet for a one-story building and a setback of 5 feet for the associated detention pond. Staff supports this waiver request as the affected property owner located at 1806 Springdale Rd has demonstrated support for the waiver request – see the attached letter for further information. The applicant is proposing to locate a 6 foot fence along the property line and add some landscaping to buffer any noise and light pollution.

This administrative site plan will comply with all other requirements of the Land Development Code prior to its release. Staff recommends approval of the waiver requests due to the support of the adjacent property owner.

NOTIFIED NEIGHBORHOOD ORGANIZATIONS:

- 60 – Pecan Springs-Springdale Neighborhood Association
- 497 – M.E.T.S.A. Neighborhood Association
- 511 – Austin Neighborhoods Council
- 686 – East MLK Neighborhood Combined COA Liaison
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 972 – PODER
- 979 – METSA-NIC
- 981 – Anberly Airport Association
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1197 – East MLK Combined Neighborhood Contact Team
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1213 – East MLK Combined Neighborhood Association
- 1215 – FRS Property Owners Association
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1258 – Del Valle Community Coalition

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of waivers from LDC Section 25-2-1067(H) and 25-2-1063(B)(2) to allow the applicant to construct a building no less than 23 feet from the SF-used lot to the southwest, a detention pond with a 5 foot setback from the SF-used lot, and a 5 foot setback line for an associated drive-through lane from the SF-used lot.

PLANNING COMMISSION ACTION:

CASE MANAGER: Sarah Graham
Sarah.Graham@ci.austin.tx.us

PHONE: 974-2826

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PROJECT INFORMATION:

F.A.R. ALLOWED: 1:1

MAX. IMPERVIOUS CVRG: 90%

MAX HEIGHT ALLOWED: 60 feet

MAX BUILDING CVRG: 75%

PROPOSED F.A.R.: .315:1

PROPOSED IMPERVIOUS CVRG: 56%

PROPOSED HEIGHT: 20 feet for Restaurant,
33 feet for mixed use structure

PROPOSED BUILDING CVRG: 13.7%

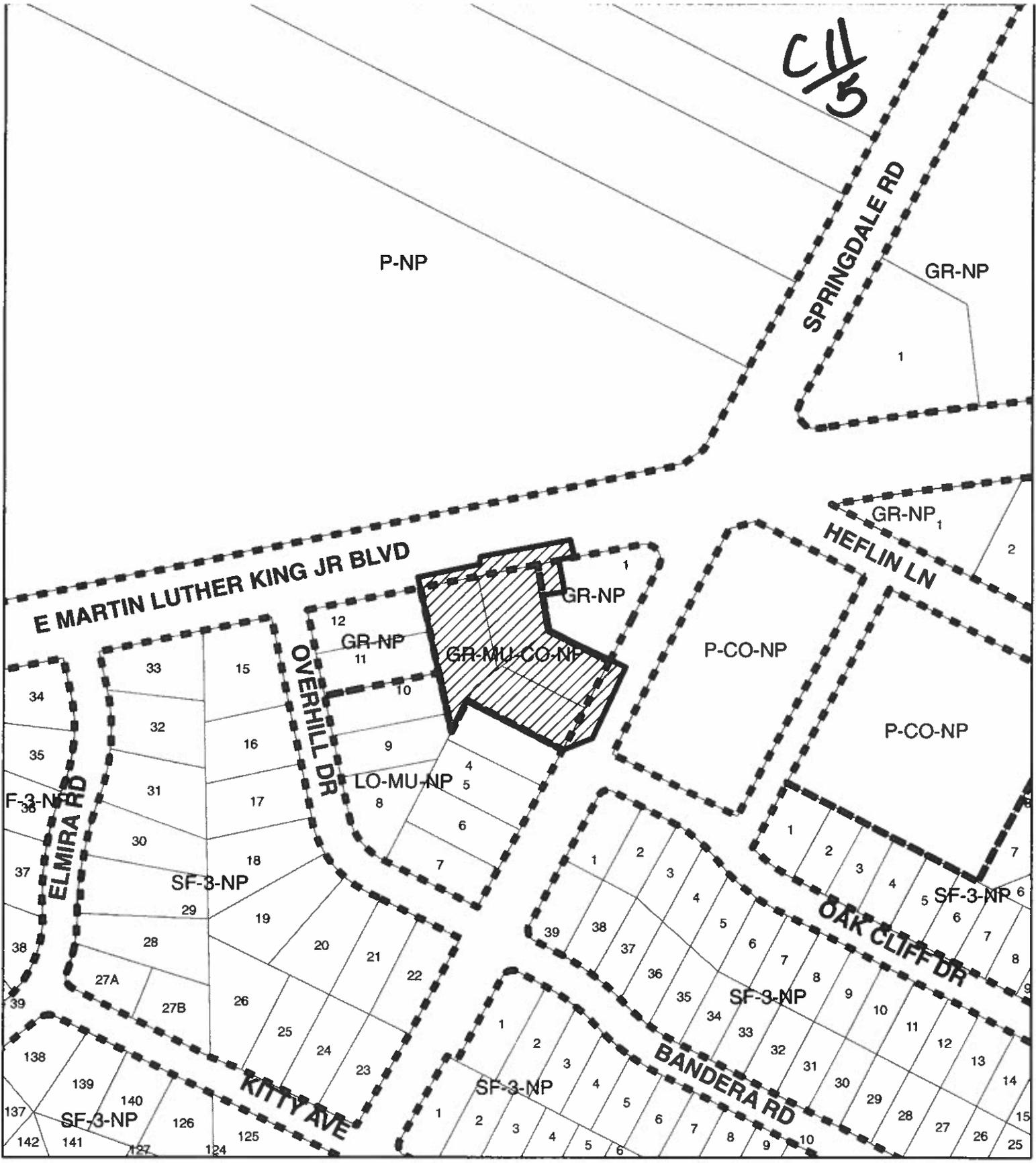
SURROUNDING CONDITIONS:

Zoning/ Land Use

- North:** E Martin Luther King Blvd, then P-NP (Morris Williams Golf Course)
- East:** GR-NP (Service Station), then Springdale Rd
- Southeast:** Springdale Rd, then GR-NP (Travis County Office Building)
- Southwest:** LO-MU-NP (Single Family Residential, then Duplex Residential)
- West:** GR-NP (Service Station, Restaurant, Personal Services), then Overlay Drive

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
E Martin Luther King Blvd	100'	70'	Minor Arterial
Springdale Rd	60'	40'	Minor Arterial

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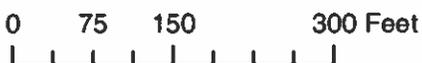
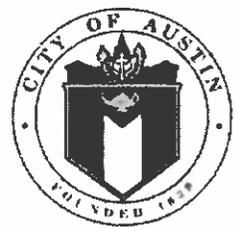


SITE PLAN



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**

CASE#: SP-2010-0131C
ADDRESS: 4507 E Martin Luther King Blvd
CASE NAME: Jae Park Project
MANAGER: Sarah Graham



This map has been produced by site plan review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: Sarah Graham

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May 13, 2010

Sarah Graham
Case Manager
Watershed Protection, Development and Review
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: **Variance Request**
Jae Park Project Site Plan
4505 MLK Jr. Boulevard
Austin, Texas 78757

Dear Ms. Graham:

The proposed site is located near the intersection of MLK Jr. Boulevard and Springdale Road. The site consists of four lots within the City of Austin. The 0.86 acre site is currently undeveloped. The site is located within the Tannehill Branch and the Fort Branch Watersheds (Urban). The subject site is not located within the Edwards Aquifer Recharge Zone. The property is proposed for development of a fast food drive through and a mixed use building with associated parking. Current zoning is GR-NP. This use is consistent with development in the area, however, the lot to the south on Springdale Road while zoned LO-MU-NP is currently used as a single family residence. A variance is hereby requested from the 25 foot setback from this use. The proposed setback is 5 feet.

Please contact me if you have any questions or comments.

Sincerely,



Richard E. Wilson, P.E.

rcivilpe@aol.com
512.306.1322



Neighbor's Consent to a Variance to Remove 25 Feet Setback Requirement

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February 5, 2009

To: City of Austin
Site Plans and Review Department

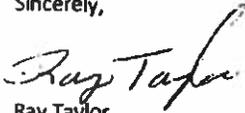
From: Ray Taylor
1806 Springdale Road
Austin, TX 78722

To Whom It May Concern:

My name is Ray Taylor. I am the property owner at 1806 Springdale Road. My property is right adjacent to Mr. Jae Park's property on Springdale Road. Mr. Jae Park is the owner of the properties at 4505, 4507 Martin Luther King and 1808, 1810 Springdale Road. I consent to Mr. Park's request on a variance to remove 25 feet setback requirement.

If you have any questions, please feel free to contact me at 1806 Springdale Road, Austin, TX 78722. Thank you.

Sincerely,


Ray Taylor

SCANNED

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2010-0131C

Contact: Sarah Graham, 512-974-2826 or

Michelle Casillas, 512-974-2024

Public Hearing: Planning Commission, Sep 28, 2010

Doris Fresch

Your Name (please print)

4613 Oak Cliff Dr.

Your address(es) affected by this application

Doris Fresch 9-18-10

Signature

Date

Daytime Telephone: 512 928-1167

Comments: The intersection of MLK and Springdale is already too busy and dangerous for us without a fast food place to add to the traffic and congestion.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Sarah Graham

P. O. Box 1088

Austin, TX 78767-8810

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